

PATENT COOPERATION TREATY

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NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents
United States Patent and Trademark
Office
Box PCT
Washington, D.C. 20231
ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year)

03 April 2000 (03.04.00)

International application No.

PCT/EP99/05675

Applicant's or agent's file reference

B41195PC-2630

International filing date (day/month/year)

05 August 1999 (05.08.99)

Priority date (day/month/year)

07 August 1998 (07.08.98)

Applicant

ENDERS, Ulrich et al

1. The designated Office is hereby notified of its election made:



in the demand filed with the International Preliminary Examining Authority on:

29 February 2000 (29.02.00)



in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was

was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO
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1211 Geneva 20, Switzerland

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Authorized officer

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 Translation 5000
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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference B41195PC-2630	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP99/05675	International filing date (day/month/year) 05 August 1999 (05.08.99)	Priority date (day/month/year) 07 August 1998 (07.08.98)
International Patent Classification (IPC) or national classification and IPC D01D 5/096		
Applicant BARMAG AG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.	
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.	
<input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of _____ sheets.	
3. This report contains indications relating to the following items: <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input checked="" type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application 	

Date of submission of the demand 29 February 2000 (29.02.00)	Date of completion of this report 07 November 2000 (07.11.2000)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP99/05675

I. Basis of the report

1. This report has been drawn on the basis of (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

☐ the international application as originally filed.

☒ the description, pages 1-11, as originally filed,
pages _____, filed with the demand,
pages _____, filed with the letter of _____,
pages _____, filed with the letter of _____.

☒ the claims, Nos. 1-12, as originally filed,
Nos. _____, as amended under Article 19,
Nos. _____, filed with the demand,
Nos. _____, filed with the letter of _____,
Nos. _____, filed with the letter of _____.

☒ the drawings, sheets/fig 1/4-4/4, as originally filed,
sheets/fig _____, filed with the demand,
sheets/fig _____, filed with the letter of _____,
sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/fig _____

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-12	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-12	NO
Industrial applicability (IA)	Claims	1-12	YES
	Claims		NO

2. Citations and explanations

1. The closest prior art is described in WO-A-95/15409 (D1) and acknowledged accordingly in the introductory part of the application. D1 discloses a device according to the preamble of Claim 1 (see page 11, lines 12-34). The subject matter of independent Claim 1 differs therefrom by the characterising features, that is, by the arrangement of the conditioning device either before or inside the collecting chamber in the yarn running direction.

The subject matter of Claim 1 therefore appears to be novel and to meet the requirements of PCT Article 33(2).

2. The invention addresses the problem of preventing damage to the unconditioned yarn in the area of the outlet from the collecting chamber and of ensuring that the yarn runs smoothly when exiting the cooling channel and then passing through the collecting chamber (see the description, page 2, line 27 - page 3, line 1). This corresponds to the object of US-A-4 247 505 (D2: column 2, lines 15-20 and 41-44), which aims at preventing yarn breaks while increasing

spinning speed, or to the object of EP-A-0 141 173 (D3: page 7, lines 35-37), which seeks to prevent the yarn from vibrating when crossing the boundary between two areas under different pressures.

For that purpose, D2 (column 3, lines 56-57) proposes arranging a conditioning device (29, 30, 31, 32) at the end of the cooling channel of the melt-spinning device, and hence before an optional collecting chamber (see page 3, lines 20-22, of the description). In view of the problem addressed, the feature that the conditioning device is arranged before the collecting chamber in the yarn running direction appears to be obvious.

For the same purpose, D3 (page 12, lines 7-22) proposes arranging the conditioning device as per Claims 2 and 3 inside the spinning shaft, which also includes the collecting chamber of a device as per D3. In view of the problem addressed, the feature that the conditioning device is arranged inside the collecting chamber in the yarn running direction also appears to be obvious.

Consequently, the two options proposed in the characterising part of Claim 1 would appear to a person skilled in the art to be obvious alternatives for solving the technical problem addressed.

The subject matter of independent Claim 1 therefore does not appear to meet the requirement of PCT Article 33(3).

3. The additional features of the embodiments of the invention defined in dependent Claims 2-7 and 9-11

are essentially known from D3 (page 12, lines 32-36 and 8-11), D1 (page 12, lines 1-4 and 11-18) or D2 (column 4, lines 15-18; column 5, lines 3-40) in order to achieve the corresponding technical effect, while the embodiments of the invention as per Claims 8 or 12 would appear to be obvious to a person skilled in the art, in the light of D3 (Fig. 1).

The subject matter of dependent Claims 2-12 therefore also does not appear to meet the requirements of PCT Article 33(3).

4. The subject matter of Claims 1-12 appears to be industrially applicable and therefore to meet the requirements of PCT Article 33(4).

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VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

1. The description does not meet the requirements of PCT Rule 5(1)(a), since the introductory part does not acknowledge D2 and D3 as relevant prior art.